

REMARKS

Specification

In the specification, the Abstract has been amended to correct minor editorial problems.

Summary

Claims 1-6 and 9-18 and 20-36 stand in this application. Claims 7, 8, 19 and 37 have been canceled without prejudice. Claims 1, 10, 13, 15, 18, 26, 28, 30, 33, 35 are currently amended. No new matter has been added. Favorable reconsideration and allowance of the standing claims are respectfully requested.

Allowed Claims

We would like to thank the Examiner for indicating the allowance of claim 23. Applicant respectfully submits that independent claims 1, 10, 13, 15, 18, 26, 28, 30, 33 and 35 have been amended to include the subject matter of allowed independent claim 23. Further, Applicant respectfully submits that he has been unable to find a teaching of the claimed subject matter within the cited portions of the cited references. Accordingly, Applicant respectfully submits that independent claims 1, 10, 13, 15, 18, 26, 28, 30, 33 and 35 are in allowable form. Furthermore, Applicant respectfully submits that all claims dependent upon independent claims 1, 10, 13, 15, 18, 26, 28, 30, 33 and 35 are also in allowable form by virtue of the their dependency from an allowable independent claim.

35 U.S.C. § 102

Claims 35 and 36 were rejected under 35 USC § 102(e) as being anticipated by U.S. Pub. No. 2002/0089927 to Fischer et al. (hereinafter “Fischer”). Applicant respectfully traverses the rejection, and requests reconsideration and withdrawal of the anticipation rejection.

Applicant respectfully submits that to anticipate a claim under 35 U.S.C. § 102, the cited reference must teach every element of the claim. *See* MPEP § 2131, for example. Applicant submits that Fischer fails to teach each and every element recited in claims 35 and 36 and thus they define over Fischer. For example, claim 35 has been amended to include the subject matter of allowed claim 23. Consequently, Fischer fails to disclose all the elements or features of the claimed subject matter. Accordingly, Applicant respectfully requests removal of the anticipation rejection with respect to claim 35. Furthermore, Applicant respectfully requests withdrawal of the anticipation rejection with respect to claim 36, which depends from claim 35 and, therefore, contain additional features that further distinguish this claim from Fischer.

35 U.S.C. § 103

Claims 1-11, 13, 14, 28 and 29 were rejected under 35 USC § 103(a) as being unpatentable over Fischer, in view of Ergen (IEEE 802.11 Tutorial) (hereinafter “Ergen”). Claims 15-17 were rejected under 35 USC § 103(a) as being unpatentable over U.S. Pub. No. 2002/0154653 to Benveniste (hereinafter “Benveniste”), in view of Ergen. Claim 12 was rejected under 35 USC § 103(a) as being unpatentable over Fischer, in view of Ergen and further in view of Benveniste. Claims 18-22, 24-27 and 30-34 were

rejected under 35 USC § 103(a) as being unpatentable over Fischer in view of Benveniste.

To form a *prima facie* case of obviousness under 35 U.S.C § 103(a) the cited references, when combined, must teach or suggest every element of the claim. *See* MPEP § 2143.03, for example. Applicant respectfully submits that the Office Action has not established a *prima facie* case of obviousness because the cited references, taken alone or in combination, fail to teach or suggest every element recited in claims 1-11, 13-22, 24-29 and 30-34. For example, the independent claims 1, 10, 13, 15, 18, 26, 28, 30 and 33 have been amended to include the subject matter from allowed claim 23. Therefore the independent claims 1, 10, 13, 15, 18, 26, 28, 30 and 33 define over the cited references whether taken alone or in combination. Accordingly, Applicant respectfully requests removal of the obviousness rejection with respect to these independent claims. Furthermore, if an independent claim is non-obvious under 35 U.S.C. § 103, then any claim depending therefrom is non-obvious. *See* MPEP § 2143.03, for example. Accordingly, Applicant respectfully requests withdrawal of the obviousness rejection with respect to all claims that depend from independent claims 1, 10, 13, 15, 18, 26, 28, 30 and 33, and therefore contain additional features that further distinguish these claims from the cited references.

Conclusion

For at least the above reasons, Applicant submits that claims 1-6 and 9-18 and 20-36 recite novel features not shown by the cited references. Further, Applicant submits that the above-recited novel features provide new and unexpected results not recognized

by the cited references. Accordingly, Applicant submits that the claims are not anticipated nor rendered obvious in view of the cited references.

Applicant does not otherwise concede, however, the correctness of the Office Action's rejection with respect to any of the dependent claims discussed above. Accordingly, Applicant hereby reserves the right to make additional arguments as may be necessary to further distinguish the dependent claims from the cited references, taken alone or in combination, based on additional features contained in the dependent claims that were not discussed above. A detailed discussion of these differences is believed to be unnecessary at this time in view of the basic differences in the independent claims pointed out above.

It is believed that claims 1-6 and 9-18 and 20-36 are in allowable form. Accordingly, a timely Notice of Allowance to this effect is earnestly solicited.

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Examiner: Park, Jung H.
TC/A.U. 2616

The Examiner is respectfully requested to contact the undersigned by telephone if such contact would further the examination of the present patent application.

Respectfully submitted,

KACVINSKY LLC



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Under 37 CFR 1.34(a)

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